

APPEAL NO. 021898  
FILED AUGUST 28, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on July 2, 2002. The hearing officer resolved the disputed issue by deciding that the respondent (claimant) is entitled to lifetime income benefits (LIBs) based on an injury to his spine that resulted in the permanent and complete paralysis of both legs. The appellant (self-insured) appealed and the claimant responded.

DECISION

The hearing officer's decision is affirmed.

The hearing officer did not err in denying the self-insured's motion for continuance, which was made at the CCH, based on his finding that the self-insured did not have good cause for the continuance. Section 410.155 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 142.10 (Rule 142.10).

Section 408.161(a)(5) provides that LIBs are paid until the death of the employee for "an injury to the spine that results in permanent and complete paralysis of both arms, both legs, or one arm and one leg." Conflicting evidence was presented at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer's determination that the claimant is entitled to LIBs based on an injury to his spine that resulted in the permanent and complete paralysis of both legs is supported by the opinion of the treating doctor and the opinion of the doctor who examined the claimant at the request of the Texas Workers' Compensation Commission. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**COMPANY  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Roy L. Warren  
Appeals Judge